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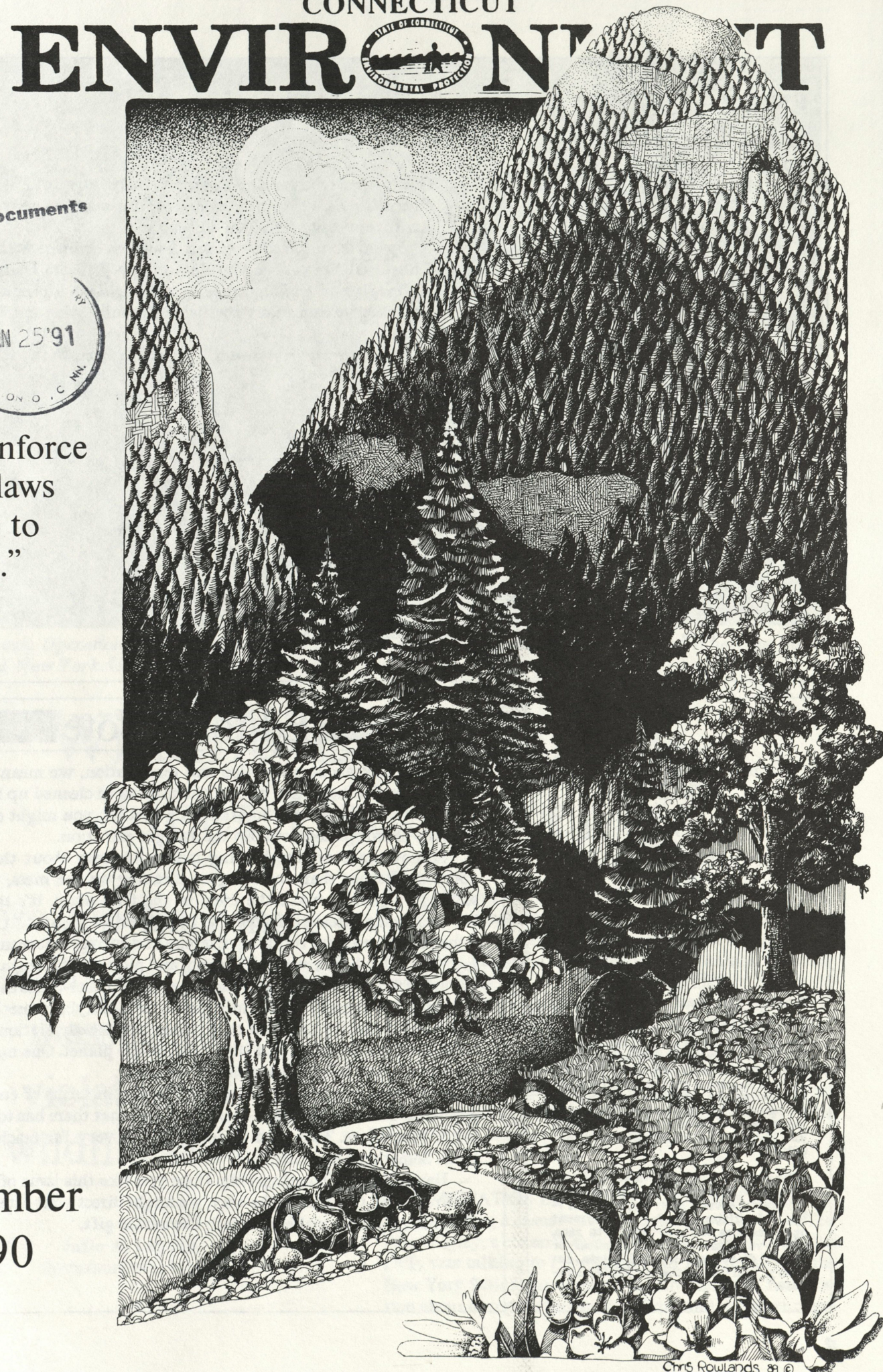


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"...to enforce
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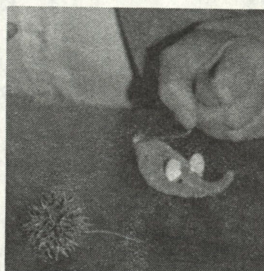
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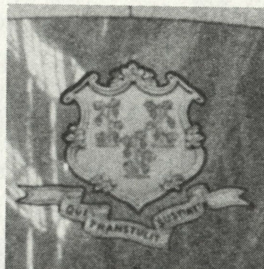
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CONNECTICUT ENVIRONMENT

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Editor's Note

When we talk about mitigation and remediation, we mean cleaning up. The assumption here may be that the mess to be cleaned up is a necessary fact of life. If you extend that thinking further, you might even say that the idea of mitigation actually encourages pollution.

So nowadays are are hearing more and more about the prevention approach. Rather than focussing on cleaning up the mess, the direction seems to be not to make the mess in the first place. It's the difference between being disease oriented and being health oriented. It is evident in some current medical thinking. Exercise and correct diet seem (we have to say "seem") to be preventive. Surgery and pills are efforts in remediation. We are officially beginning to suspect what in other times may have been obvious -- prevention works, mitigation, well, maybe, sometimes. We add just parenthetically here that there seems to be some correlation between the health of the individual and the health of the planet. One may imply the other. One may be a prerequisite to the other.

So, now we are hearing about prevention in terms of environmental problems. The trend seems to be not to accept that there has to be pollution in the first place. This kind of approach has very far-reaching implications. Something to watch.

Have a happy Thanksgiving. Hope you like this issue of *Connecticut Environment*. Oh, and by the way, we might direct your attention to page 24. This magazine makes a superb Christmas gift.

R.P.



White-tailed buck. Operation Berkshire was aimed at illegal deer hunting and trafficking in Connecticut, Massachusetts, and New York. (Photo: L.L. Rue III)

Wildlife Enforcement Goes Undercover

Operation Berkshire
sends a strong
message to
violators of
wildlife laws.

by
Julie A. Linden
Environmental Intern

OPERATION BERKSHIRE IS OVER NOW, but environmental law enforcement officers and poachers alike will remember it for a long time to come. This two-and-a-half-year undercover sting operation resulting in the arrests and subsequent convictions of nearly 30 people was the biggest of its kind ever staged in New England. Now, two years after the case was closed, law enforcement officials praise it as a success. But when it began in 1986, they had no idea just how big and how successful Operation Berkshire would be. After all, it was set up to catch some deer poachers; no one knew yet about the bear gall bladder trafficking.

OPERATION BERKSHIRE HAD ITS BEGINNINGS during a casual conversation over a cup of coffee. Peter Begley, a conservation officer with the Connecticut DEP, was talking to Lieutenant Paul Bernstein from the New York State Department of Environmental Conservation about deer poaching in New York and the northwest-

ern corner of Connecticut. As they discussed various illegal operations and suspects, they realized much of their information matched. "We deal with many of the same guys," Begley said.

Officers had been gathering information and regularly arresting suspected poachers for years, but Begley felt a major clean-up was needed. It was during that conversation that Begley suggested some kind of undercover operation. Field officers like Begley can deter poachers and can arrest someone caught in an illegal act, but only undercover agents are able to collect the hard evidence necessary to nab large-scale violators. Bernstein said he would talk to his state's DEC about such an operation.

Around this time, Massachusetts and Connecticut officials were discussing the problem of illegal deer killing and selling in the Berkshire area. The bi-state cooperation was prompted by the recent discovery that a Connecticut smokehouse was selling venison illegally to a Massachusetts restaurant.

Representatives from departments in the three states — the New York DEC, the Connecticut DEP and the Massachusetts Department of Fisheries, Wildlife and Environmental Law Enforcement — and the U.S. Fish and Wildlife Service met in April, 1986, to share information.

"We discovered we all knew all the characters," said Sergeant Joseph Marks of the DEP's Law Enforcement Division. It was decided that the activities of "the south-

ern Berkshire gang" (as the loose association of poachers was termed in one memo) warranted an undercover investigation with tri-state and federal cooperation.

The plan evolved during subsequent meetings held every one or two months. Each of the three states and the USFWS contributed some money and/or equipment; New York Captain Lawrence Johnson and Massachusetts Lieutenant Thomas Kasparzak supervised the operation. The undercover agents came from the New York and Massachusetts departments. Thomas Brelsford, then Connecticut's undercover operative, could not be used because he was from the north western corner of the state and might be recognized.

Marks played an administrative role in the investigation, serving as the agents' contact in Connecticut and acting as a liaison between them and the overseers of Operation Berkshire. He credits Begley, Stanley Civco, and other field officers for providing the catalyst to the operation: "Without their information at the beginning, we would never have been able to initiate this operation," he said.

Begley and his fellow conservation officers continued their usual field work during Operation Berkshire, passing on any information they discovered. They could not learn much about what the agents were doing "so there weren't any leaks," Begley said. "Only a few of us knew about the operation at all," he said.



Black bear cubs. Wildlife officers discovered they were involved in an international market for bear gall bladders.

NEW YORK INVESTIGATOR Stephen Canfield and Massachusetts Officer Jack Dickman can be described as very average looking. They each have brown hair, medium builds, and look like they're in their late 30s. This appearance suited them for the undercover work they began in mid-1986. They took on false identities and started hanging around the Berkshire area where various suspects lived and operated.

They made an important initial contact on September 9, 1986, when they were driving around and stopped at one particular house to ask for directions. Although it seemed like a chance meeting, the agents had been looking for a retired schoolteacher who helped make contact with the owner of that house." He was also a suspected poacher. Canfield and Dickman struck up a conversation about hunting and fishing with him and made arrangements to go on a fishing trip together later in the month.

This was part of the "getting-to-know-you" process necessary to undercover work. Dickman and Canfield had to spend time with the poachers so they'd trust them and talk freely. The agents soon learned that the school teacher did in fact hunt deer illegally. More importantly, he introduced them to a man who unknowingly got the operation rolling.

Canfield compared the early stages of the operation to "an octopus" because they were investigating several different leads. They eventually "knocked off all the legs but one — the one that paid off," Canfield said. That last leg of the octopus was Al Fellows.

AL FELLOWS was a Massachusetts butcher with a fisheries and wildlife criminal record in both Massachusetts and Connecticut. He'd been involved in illegal deer hunting and trafficking for years, often acting as a middleman who sold illegally obtained deer to buyers in all three states.

In January, 1987, Canfield and Dickman started bringing deer to Fellows regularly for preparation. (The deer were supplied by the New York and Massachusetts Departments, which had confiscated them from various sources.) The undercover officers hinted they had killed some of the deer illegally, but that didn't bother Fellows. In one conversation noted by the agents, Fellows told them it "didn't matter where you shot the deer as long as you have the tags."

He was talking about Connecticut deer damage permit tags. According to state law, someone who grew crops for income and suffered property damage from deer could obtain permits to shoot the deer and protect the crops. Deer were supposed to be killed and tagged only on the damaged property and could not be sold. Although a permit card was returned to the state after a deer was killed, deer damage tags were not turned in — they were supposed to stay on the deer. This "honor system" was widely abused.

Tags were often illegally transferred from one deer to another or put on deer shot nowhere near the crops supposedly being harmed. "Those tags were in the field all the time," Marks said, "floating around as far away as New Hampshire. They weren't really accountable."

Canfield and Dickman learned that Fellows was misusing crop damage permits and hunting in other illegal ways as they got to know him better and hunted with him. Fellows and his hunting buddies liked to go "deer jacking," an illegal method of hunting in which a deer is blinded with a spotlight and stands still, making it easy to shoot. Fellows was so experienced at jacking that "he could drive and shoot and hold the light himself," Canfield said. He'd been poaching for so long he never got excited about it, the agents said. His friends were just as nonchalant. "They'd shoot deer right off people's lawns. No problem," Dickman said.

It took about six months before the agents were trusted and accepted into what Canfield termed the "fraternity" of poachers. "Everybody knew everybody," he said. Dickman and Canfield met several poachers through Fellows; many brought their deer to his smokehouse because he didn't care if they had been hunted illegally.

CANFIELD AND DICKMAN WERE BUILDING a case against Fellows and other suspects by the fall of 1987. After hunting trips, illegal transactions, or incriminating conversations, the agents would detail the incident on paper. Dickman, who did most of the writing, said it was "a necessary part of the investigation, but it's

the worst thing to do." Canfield agreed: "Keeping track of all the evidence was like a nightmare."

The evidence multiplied that fall when the investigation widened to include illegal killing and trafficking in black bears and bear parts. Canfield got the first tip from a retired New York DEC conservation officer who told him about the New York City market for bear products. Bear gall bladders are used by Koreans and Chinese for medicinal purposes and as an aphrodisiac; bear paws, hides, and meat are also valued. Canfield and Dickman plunged into this angle, working both ends of the trade.

As it turned out, many of the deer poachers Canfield and Dickman were investigating also killed and sold bear illegally. Fellows introduced the agents to Carl Eldridge, a New Hampshire man who often came south to hunt deer in the Berkshire area. The agents went on many hunts to New Hampshire and Maine with Eldridge, Fellows, and others; Dickman joked that he was hoping he didn't talk in his sleep on these overnight trips. But Canfield and Dickman were accepted into the bear-hunting "fraternity" after they killed a bear on the first hunt in September 1987. Eldridge told them, "You boys are good old boys, my kind of guys. You're real hunters, not sports."

Eldridge himself was not a "sport," but someone who would kill a raccoon he saw in the road "just to have something to kill," Canfield said. Eldridge and his companions never let any animal go. "They kill everything they can see," Canfield said. On a hunt in mid-October the agents documented this bloodthirsty mentality on videotape. The poachers believed they were just making a video for fun, which they thought was a great idea. After a sow bear was killed, Eldridge and another man began to torture her two cubs. They shot arrows into both cubs and Eldridge stabbed one in the throat.

In this instance, Eldridge was interested in only the gall bladders. He sold many to Dickman and Canfield, who re-sold them to buyers. Canfield said finding someone in New York City to buy the galls was a problem at first because of the language barrier. He related one incident in which he tried to communicate in sign language with a potential buyer and got a door slammed in his face. Determined to make contact, he went to his truck and got the gall bladders. He returned to the door and when the man opened it again, Canfield shook the galls in front of him. The man understood and pulled Canfield into the house.

Dickman and Canfield made contact with several buyers and were quickly involved in a lucrative trade. They acted as middlemen, buying galls for \$50 to \$150 from the hunters they knew and selling them to buyers for an average of \$200 to \$250 per gall. (The galls could then be re-sold in the Orient for twice as much money). Transactions often took place at rest stops along highways. One was videotaped by Brelsford and witnessed by Federal Special Agent Richard Moulton. "It was just like a drug deal," Moulton said, describing how money and bear parts exchanged hands furtively.

BY 1988, OPERATION BERKSHIRE was moving along successfully and at a level previously unimagined by any of the field officers who had obtained initial information. During the course of the investigation Canfield and Dickman also uncovered cases of insurance fraud, stolen property, violations of interstate commerce laws, and unlicensed taxidermy. In the last months of 1988, more than two years after Operation Berkshire began, it was decided to wrap it up.

"You can't just say stop at any point," Canfield explained, "because undercover agents need time to gather enough evidence to make good arrests." After one year under cover the agents would have had cases against only three men. On the other hand, had Canfield and Dickman stayed in the field one more year, they could have made connections to violators in all 50 states, said Brian Johnson, assistant director of the DEP's Division of Law Enforcement and one of the overseers of the operation.

"You can't spread out too much," Canfield said. As an investigation probes deeper and wider, the chance of leaks and the danger to the operators increases. The poachers were becoming suspicious and nervous, particularly after they learned of a bust at a Southington slaughterhouse where deer had been dealt in illegally. Those arrests were the culmination of an undercover operation in which Moulton and Brelsford were involved. One day in late November 1988, Canfield was alone with Eldridge and Fellows, who turned the conversation to what they'd heard about the case. Eldridge looked straight at Canfield and said he would kill any undercover agent who went after him.

Two months later, on January 24, 1989, Eldridge was arrested, along with 22 others in five different states. The Operation Berkshire agents did not make any arrests then, although Canfield did get to take part as more were arrested in the next few days. Except for their testimony in court, their part in Operation Berkshire was over. The evidence they had amassed included 126 voice tapes, mostly of telephone conversations, several videotapes of hunts and illegal transactions, and a report nearly 200 pages long. The case against the poachers was "bulletproof," Canfield said. "They hired very good attorneys," he said, but no one was able to plead not guilty. Dickman and Canfield said it was strange to see these men in court as defendants after being "friends" with them; one of the men accused them of betraying their friendship.

So far, 25 people have been convicted on charges ranging from "false registration of bear" to "hunting from public roadway" to "improper use of deer tags." Court action is still pending for a few defendants. Fellows pled guilty to more than 70 counts of wildlife violations; Eldridge pled guilty to more than 100 charges. Together, their fines totaled more than \$28,000 and each was given a 60-day jail sentence. To date, fines total \$82,840 and jail sentences add up to 554 days (360 suspended).

BECAUSE OF THE SCOPE OF THE OPERATION and excellent interstate cooperation, the undercov-

er agents, field officers and the administrators all deem Operation Berkshire a success. Canfield said even officers in Maine and New Hampshire were pleased with the outcome, as some of the poachers arrested had been eluding them for years. New Hampshire has since changed its laws, tightening restrictions on convicted wildlife violators who wish to hunt or fish in New Hampshire.

Connecticut law has also been changed as a result of Operation Berkshire. Brian Johnson said the investigation proved it was necessary to have "tighter scrutiny on the people who get these crop damage permits." The amount of potential gross income from one's crops has been increased from \$500 to \$2,500 per year. Johnson said this would keep people from putting a few Christmas trees in their back yards and calling it a crop to justify getting deer damage permits. As a result of this legislation, which was sponsored by the DEP, tags must now be returned along with the card when a deer is killed; this is meant to keep them from being switched from deer to deer.

Despite the changes, Sergeant Joseph Marks said abuse of the system could probably never be completely stopped. So there may be a need for future investigations. Conservation Officer Peter Begley said Operation Berkshire "wasn't the first operation we worked up here undercover" and may not be the last. Connecticut ended its undercover program in 1988 because of lack of money. Begley said because illegal activities occur in respect to all wildlife, not just deer and bear, "the need for an undercover program would always be somewhere in this state. Whether there is one undercover agent or several field officers trained in undercover work, it would be a valuable resource in reducing poaching in Connecticut, Begley said.

FINALLY, ROBERT BUYAK, DIRECTOR of the DEP's Division of Law Enforcement, summed it up: "In my 26 years as a wildlife officer in Connecticut, I consider Operation Berkshire to be an outstanding example of good law enforcement work. After extensive and involved investigations, we feel the time and effort has been very much justified. I am proud of the dedication and hard work of all the officers who took part in this investigation."

To what extent did Buyak feel that Operation Berkshire would act as a deterrent to further wildlife violators? "We believe that we are sending a strong message to wildlife violators that we are very serious about and committed to the protection of wildlife," said Buyak. "Operation Berkshire is now complete, but we do not preclude the possibility of other covert operations, now or in the future."

The DEP operates a toll-free "tip" line so that anyone with information about suspected wildlife or fishing violations may call. The number is 1-800-842-HELP. If the tip leads to an arrest, the informant could receive a cash award. All calls will be treated with confidentiality. ■



Jessica Murphy's holiday creation from pine cone and milkweed silk. (Photos: Steve Sundlof)

Gifts from Nature

by Carol Davidge

Public Information Coordinator
Connecticut State Museum of
Natural History, UConn

CHILDREN AND ADULTS benefit in the fall and winter by creating decorations, gifts, notecards, wrapping paper and ornaments from nature. Not only does this experience provide quiet, relaxing enjoyment, but just seeing these natural products makes us more aware of the beautiful world around us and the need to preserve the environment.

Mice, owls, reindeer, angels, wreaths, and door and table arrangements come from such accessible ingredients as pine cones, milkweed pods, sweet gum balls, teasel pods, nuts, birdseed, rosehips, and common greenery. The materials are simple and easy to find along unmowed roadsides,

in fields or woods, or in parks where pine cones and other treasures abound on the ground.

I thought that crafts were for craftspersons. But when I attended a workshop led by Winifred Burkett, a naturalist with the Connecticut State Museum of Natural History, whose grandmother taught her to make holiday ornaments from nature, I discovered a different kind of appreciation for the world around me. First, the decorations are beautiful. Second, they are very nearly free of charge. Third, they helped me to see nature in new ways. During Museum workshops, everybody winds up making things that are different from what they set out to

make, because the imagination takes over. So doing nature crafts is actually an adventure in awareness — not only a “crafts” exercise.

JUST A FEW IDEAS for quick, easy, interesting decorations and gifts will be shared here. Books with many more ideas are readily available.

Kindling Gifts. Gather twigs from the yard, road, or beach. Paint or color a scene or message onto a brown paper grocery bag, fill it with twigs and perhaps a few pine cones for aroma, tie with colored ribbon or yarn. Mail-order companies are selling for high prices bundles of fire-starting

kindling that can easily be collected in Connecticut forests for free.

Ornaments. Tie a thin ribbon or wire around the stem of sweetgum balls or teasels. Some children put little red seeds into the crevices of the sweetgum ball (secured by a dot of glue on the inserted end). Or spray the pods silver, gold or white.

Greeting cards and wrapping paper. Dip a pine cone into tempera paint. Create a design by rolling the cone over a card or white paper. Dip a milkweed pod into tempera paint and roll it several times across a card or paper to create a design; afterward, tie a string on the pod and use it for an ornament.

Diorama inside milkweed pod. Empty the silk out of the pod. Glue seeds inside to form a shape or pattern. A teasel pod fits into the milkweed pod for an interesting effect.

Mouse from milkweed pod. Take entire branches of pods so you have a wide selection with many shapes. For a mouse, you need a realistic looking nose (the top end of the pod) and tail (the stem to which the pod is attached). Use felt for ears: cut fabric into two ovals about 3/4 inch long (1/2 inch at widest point); cut off one end of each oval to form a flat bottom; put a drop of glue on the flat end of each ear and attach to the pod an inch or so behind the nose. Ears can also be made from the scales of a pine cone. Color eyes with a black, felt-tipped pen. You may wish to glue on little plastic eyes and tiny black fluff balls for noses, both found at crafts stores.

Angel of pine cone and milkweed. Choose a small, fat pine cone with a good flat base for the body. Be sure the pine cone rests straight and securely on its base. Make the head by glueing a hickory nut or sweet gum ball to the narrow end of the cone. For wings, glue two milkweed pods to the back of the cone. Make angel hair by gluing the silk of the milkweed pod to the head.

Owl, reindeer, spider from teasel. To make an owl, cut off the stem and a few bracts so that one side of the pod can be seen clearly. This side will become the face of the owl, and the other

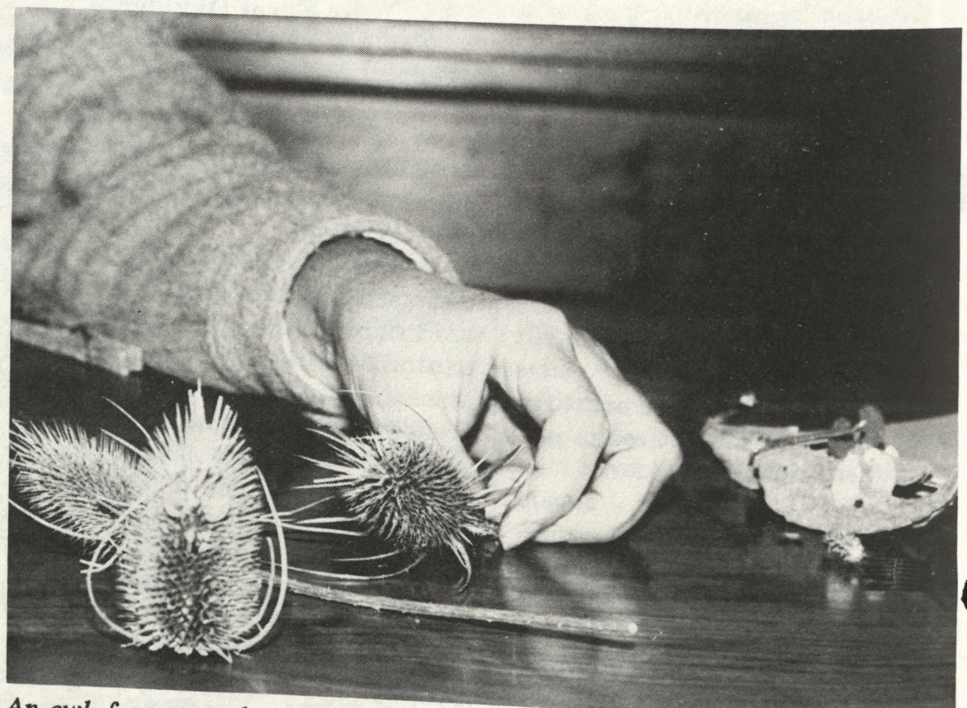
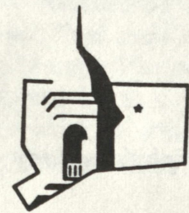
bracts will spring up around the sides and back. Set the teasel stem side down. Create a face on the cleared side by inserting three sunflower seeds to create two eyes and a nose. The result is an interesting looking bird. If the teasel has lots of long spidery bracts, think of it as a spider. To make a reindeer, cut off all the bracts. The teasel flower becomes the body. Lay the teasel on its side. Make legs of four little twigs inserted into the bottom side and antlers of long, thick twigs that have lots of little branches; insert these onto the top front of the teasel.

Wreaths and greenery. For wreaths and other arrangements, please do not use club mosses such as princess pine, which seem abundant but are in danger because they are extremely slow-growing and too many humans are picking them. Yew, juniper, cedar, spruce, pine, and fir are good alternatives; decorate with sprays of rosehips. Yew is best for retaining its needles.

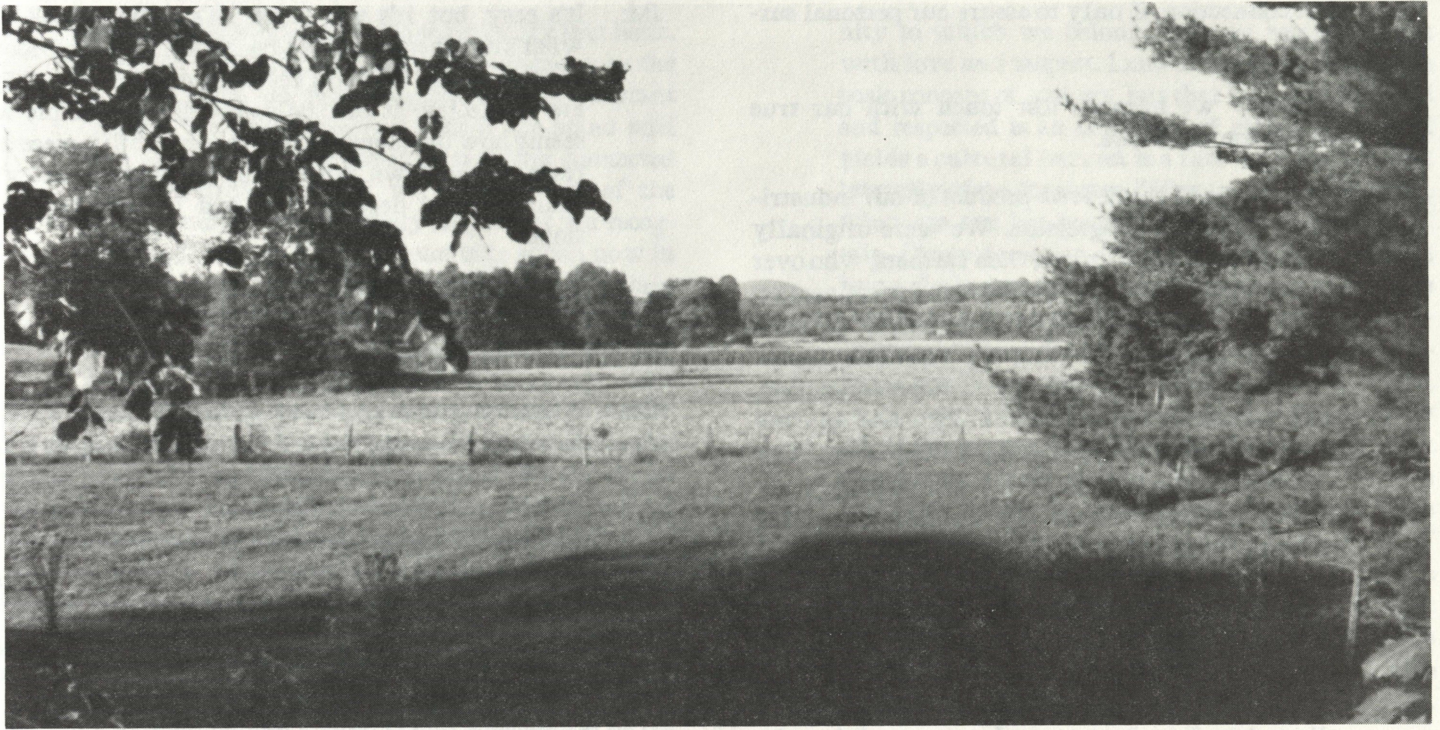
In addition to the natural ingredients, you'll need: glue, preferably a tacky glue from a crafts shop (try *Aleene's Tacky All Purpose Nontoxic*

Glue, although a slower drying glue such as *Elmer's* will work), sturdy pointed scissors, felt, narrow and/or wide ribbon, construction paper, newspapers, and wire such as picture hanging wire. Optional crafts store additions are such things as little black fluffy balls for animal noses, plastic eyes, glitter, silver or other colored spray paint. Note: when collecting milkweed pods, remove most of the fluff outdoors, because if you don't, it will fly all over the indoors; you'll need some for angel hair.

HAVE FUN AND REMEMBER, if you are collecting numerous seed pods, scatter some of the seed where the plants can grow next year.



An owl from teasel and a mouse from milkweed pod.



"A person who is connected to the land feels a responsibility for it, an obligation to pass it on to the next generation in good condition."

Partnership with the Land

(Jim Murphy is a principal environmental analyst at the DEP's Water Management Bureau. He is well known both in Connecticut and throughout the country as an environmentalist and authority on ground water protection. The following interview was originally broadcast as part of the Environment television series.)

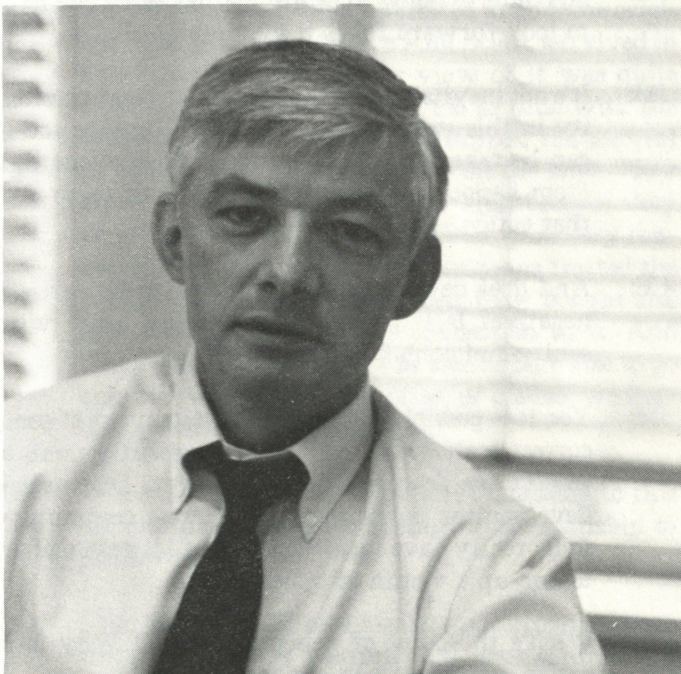
(The following interview was originally broadcast as part of the Environment television series.)

CE: One of the phrases you often use is "the big picture." Environmentally, what does that mean?

JM: What do you see when you look out the window? You see houses, highways, trees, people, stores, cars, maybe a river, hills. I see that as the environment, the sum total of our surroundings. To me, the big picture is taking stock of natural and cultural features — things that are part of nature and things we humans have created. Together they constitute the big picture.

CE: Our theme is partnership with the landscape. What does that mean to you as an environmentalist?

JM: Partnership with the landscape is seeing how we are connected with the landscape, with the environment, and acting appropriately. For example, we are closely connected to plants. Plants use water, carbon dioxide, and minerals. Out of that they produce tissue and oxygen which we obviously need. Too often, we humans see ourselves as separated, alienated from the world around us. So I think it is important for us to search for those connections that we've always had with the environment, with the landscape. We must rediscover



*Principal Environmental Analyst Jim Murphy:
"Modern life is a progression of moving further and further from our connection with the land."*

- that connection, if only to assure our personal survival.
- CE: Somehow we humans lost touch with our true connection to nature.
- JM: Exactly. And I think it's a product of our industrialized age. It's a progression. We were originally people of the land, hunters, then farmers, who over time concentrated in cities. We lost our connection with the land. While a smaller number of farmers kept us supplied with food, we went into manufacturing. Then, after the age of industrialization, came even more complex technology, and an even greater separation from the land. It's sad, but it's a progression of a living entity unknowingly removing himself further and further from that which sustains him.
- CE: When did you first become aware that this was the way things were?
- JM: It was a very personal thing discovered while in college. My first four years I spent studying the sciences: chemistry, biology, mathematics. I came out of that knowing a lot, but without a sense of how it all fit together. It was just so much abstract information. When I went on to graduate school at Yale, I took some basic ecology courses, and it was like a door opening for me. Everything came together. All those pieces I had in my tool kit were suddenly connected for me. We are connected to nature but, unfortunately, most of us don't feel it.
- CE: It seems that more and more people are rediscovering that connection. Do you see this as a recent historical phenomenon?
- JM: I'd say since the '70s, not that long ago. People concerned about the environment chose isolated issues — air pollution or water pollution or tidal wetlands or inland wetlands. But this larger awareness means seeing the entire picture of interconnected systems — air, land, water, and life.
- CE: Isn't it the goal of so many diverse environmental groups to reestablish that connection?
- JM: Yes. Some of the big national groups like the Sierra Club, National Audubon, National Wildlife Federation, started out focusing on specific issues or geographic areas. But over time they've come to recognize that individual issues are all part of the bigger picture. And they're forming coalitions, just as we in government form coalitions in order to address major problems.
- CE: How does one go about establishing a connection with the landscape once it has been lost?
- JM: It's easy, but it's not quick. It's taking stock of what's out there. It's very basic thinking. You look at natural and cultural features and see how they are connected. It can be something as simple as seeing how developing the most productive piece of farmland in town can destroy your community's character and degrade fish and wildlife populations.
- CE: How do you define "the quality of life?"
- JM: It always starts as a very personal thing. We all have our dreams of the good life and what goes into it, but really it is composed of two basic things: cultural and natural aspects of our environment and their interplay. It might be tree-lined streets, a quiet residential neighborhood, a little babbling brook nearby, a good school system. You have to take a look at what is physically there, underlying those tree-lined streets to really appreciate what sustains a good "quality of life." It has been my experience that a town's quality of life can be directly measured by the quality of its natural environment. A town with fouled streams, acres of asphalt, and little open space probably is not a great place to live.
- CE: Sometimes when we look out over a particularly beautiful and untouched piece of land in Connecticut, we get the feeling that development is going to come in like some kind of Frankenstein monster and eat it up, and any sense of connectedness to anything is going to be lost. Is that what we have to look forward to? Is it inevitable?
- JM: It's not inevitable, but it certainly is a real possibility in this state. It's not inevitable because action can be taken by the community to prevent that from happening, but it's up to each of us to take that action.
- CE: And does development itself have to be entirely negative? Is it possible that we can grow with sanity and connectedness?
- JM: Yes, it is possible to get some development at some correct scale. It has to be very carefully done to respect the features already present. Destructive development is not inevitable, but a community must really have its act together if it doesn't want to end up a victim of circumstance.
- CE: What's the point of being connected? Why is it better than being non-connected?
- JM: If nothing else, being connected is in our own best interest, individually and as a community. It also

will enable us as a species to survive. It's that basic. It means having sanity and some constancy in the world around us, not being battered by constant change. We sometimes feel that if we stand still long enough we'll be paved over. Being connected means to recognize that we are stewards of the environment. It is extremely important we recognize that individually we must take action now in our communities. We should not be totally reliant upon someone else to look out for our best interests. It's up to each of us to take care of the land and pass it along to the next generation, to those who will have their own special needs which may be different from ours. We don't know what the future's going to bring. We would be very selfish and short-sighted to just muck up everything, then pass it on to the next generation, saying, "Good luck!"

CE: So a person who experiences this sense of connection with the land is going to feel a responsibility to it. Is that a natural continuum?

JM: One would expect and hope that that would be the case. Yes. They would feel they inhabit this piece of land for only a certain amount of time and they do have a responsibility to pass it on in as good condition as they found it.

CE: Does it ever strike you, and I'm sure it does, that what you're saying is roughly the same thing as Native Americans have been saying since Christopher Columbus got here?

JM: Yes. I have always been interested in how the original inhabitants, the Native Americans, survived in this same landscape. Their view of it was quite different from ours. They were in tune with the seasons, the values of the landscapes, the natural diversity, how to tread lightly on the land. They knew how to take care of the land because they were very much a part of it. They were very connected to it. But we modern Europeans treated the land as a commodity to be used, to be bought and sold. We didn't have any connection to it. And there was always more land somewhere else to go and take advantage of. Unless, of course, we suddenly run out of other places.

CE: There does seem to be an ethical dimension to this continuum from connectedness to stewardship to responsibility.

JM: I would say so. Ethics means you recognize your responsibilities to yourself and your community and you act accordingly. In the early '40s a naturalist by the name of Aldo Leopold wrote this: "We abuse land because we regard it as a commodity belonging to us. But when we see land as a commu-

nity to which we belong, we may begin to use it with love and respect. Land as a community is the basic concept of ecology, but that land is to be loved and respected is an extension of ethics. That land yields a cultural harvest is a fact long known. But laterally often forgotten." If you pick up the paper, what are the big headlines that scare you? Acid rain. Ozone depletion. The tropical rain forests are being slashed and cut and contributing to climate change. Sea level rise. Hazardous chemicals are increasingly being discovered in our food and drinking water. The oceans are dying in certain places, fouled beyond belief. There is callous disregard by too many people, the idea that the earth will just sustain the abuse forever. And it can't. And we have got to see the scale of it globally and the impact it's going to have on all of our lives. If nothing else, the air we breathe, and the water we drink may become hazards to our health. I think we have to remember that if we don't recognize our connectedness, our interdependence with this natural world, it's going to be much to our sorrow.

CE: What message do you have for the individual, the one single person who cares about all this?

JM: I tell that individual to sustain and share that ethic. Look at how you are sustained by the world around you in the natural chain that we've looked at — the food, the air, the water you drink. You require those things. How well are they being taken care of? Get in action. If you don't feel you know enough, there are places to go and read, and movements to join. Get active in your local community. Take a look at what's going on right around your home in your neighborhood, in your town, and in Connecticut as a whole. Take a look at what's uphill of you and what's downhill of you. Feel that connection and act. ■



"Being connected to the land will enable us as a species to survive. It's that basic."

The Annual DEP Gift List

by

Alan Levere

Senior Environmental Analyst

THE LAST MONTHS of the year seem to be like the end of the roller coaster. It is as if sometime around mid-November the long slow pull to the top begins to level off and the quick downhill run begins. It seems within moments you go surging past Thanksgiving, the start of the shopping season, the first of the cold weather, Christmas Day and New Year's Day, and then the slow trip up begins with the long month of January. On the way down you don't have time to think of, or plan for, everything, but, regardless, there is no stopping the momentum.

When things do slow down in January, you have the opportunity to look back and say, "I'm glad I did this," or "I wish I had done that." But happily, from where we stand right now in November, we have a good chance to look forward and plan not to miss anything before the momentum begins. I would like to think this month's column will help.

What follows are the descriptions of several different maps and publications. Some are really flagship publications, representing the Natural Resources Center, and there are some new titles this year as well. Across the board I think there is appeal here for youngsters, oldsters, hikers, and arm-chair adventurers.

The Open Space Map of Connecticut is the latest addition to our sales offerings. It really is a two map set. The first of the maps helps the viewer to understand the complex geographic ownership pattern of federal, state,

municipal, and private open-space lands. The second map includes all of the land categories that appear on the first as well as two other categories: water company owned lands and large private holdings, neither of which can be considered as committed open-space. All categories are distinguished by color, so the two-map comparison stands out. The resulting maps become a planning tool as the state begins to plot its course in the direction of best land purchases to complete the corridors and pathways, parks and forests already partially protect. In full color, each map measures about 44" by 55". \$15.00.

Connecticut Walk Book-1990, 16th Edition. The Connecticut Forest and Park Association published this book which features 39 primary (and many spinoff) hikes around the state. Each is carefully described and includes a fold-out trail map which depicts local roads, town and village locations, and major water bodies. 1990 edition, 183 pages, \$14.95.



Dinosaurs, Dunes and Drifting Continents introduces the reader to the geologic story of the Connecticut River Valley. While the title reveals the emphasis of the book, subsections include old seas and sediments, sedimentary rocks (the ones the dinosaurs walked in), pre-historic Native Americans, land forms of the valley, and the Ice Age. The latter section includes the story of Glacial Lake Hitchcock, a lake that filled the Connecticut River Valley for 150 miles north of a natural dam in Rocky Hill. 107 pages, many photos and drawings, \$6.50.

The Face of Connecticut is the story of the people, geology, and the land. Its descriptive text is helpful to the lay

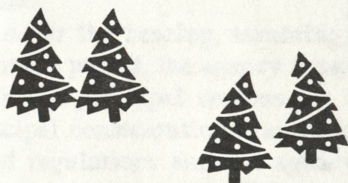


enthusiast and geologist alike. Dozens of color photographs take you through a Connecticut you have not seen before. The maps, line drawings, and woodcuts make this not only attractive, but wonderfully diverse in its content. A winner of the 1986 Notable Documents Award of the American Library Association. Over 10,000 in print. 228 pages, \$12.95.

Connecticut Environment magazine. The DEP puts out this magazine 11 times a year. It is the only real way we have to get the stories, biographies, statements, trail notes, star gazing messages, and map news to the interested population around the state. And in 13 other states besides. We hope you will consider it a worthwhile gift to the student of the environment, whatever the age; or for yourself as an extension of your own subscription. For the gift subscriptions we will ensure you have a copy in hand for the gift even before the subscription begins. One year, \$7.00; two years, \$13.00.

The DEP Property Map. The DEP has mapped all the DEP-owned lands to show what types of properties are distributed across the state. In all, the 200,000+ acres of DEP lands give us numerous options for the times we get out and explore. The map is conveniently color-coded to indicate seven different types of areas: state parks and trails, wildlife management areas, department water bodies (lakes), salt water access (public boat launches), historic and natural history preserves, state forests, and a miscellaneous category. Each mapped land parcel is coded to a legend on the map which names and locates each property. This translates to several options for hiking, birdwatching, boating, hunting or fishing, or just relaxing around Con-

necticut. The DEP Property Map measures 44 by 55 inches. At the scale of 1:125,000, one inch equals about two miles. \$10.00



Field Guides to Wetlands is a set of books designed to help everyone understand more about the common wetland indicator plants of the northeastern United States. Packed with scores of pen and ink drawings, both books supply description, habitat, time of flowering, ranges, and similar or commonly confused species. Freshwater wetlands is 246 pages, black and white, \$10.95. *Coastal Wetlands* is 286 pages, black and white, \$12.95.

Guide to Lakes and Ponds. If I were a fisherman, this would be my Bible. In all, 72 lakes and ponds are revealed here with the depths, fish types, access points, boat launches, facilities, parking and restrictions given for each. Ever popular for sportsmen. Spiral bound for easy use, \$4.65.



The Connecticut Atlas was written in response to a need for geographic material which provides a broad, up-to-date, graphic analysis of our state. The result is an atlas that is packed with information. Subject headings include: Physical Connecticut, History and Settlement, People and Culture, Transportation and Economy, and Field Trips and Excursions. Take a look through it and you will be surprised at the amount of variation within Connecticut in temperature, precipitation, heating degree days, types of foresta-

tion, population density, ethnicity, education and housing. Two-color, 106 pages, \$14.50.

Native Shrubs for Landscaping, by the Connecticut College Arboretum, discusses 52 shrubs that can be used to get the right landscaping touch you desire. The 33 color plates will help you picture many of these shrubs at their best. Chapters on landscape design, planting and care, and where to obtain the shrubs round out this 40-page book. A must for every landscaper, amateur or professional. \$4.00



The Shaded Relief Map of Connecticut not only gives boundary, road, and various water body information, but it has the appearance of being three-dimensional. The shading contrasts of dark and light give an impression of shadows which results in the appearance of relief. Thus, the eastern and western hills seem elevated while the Connecticut River Valley and the coastal plain are flat in comparison. It has always been popular, and it remains an eye catcher. About 55" by 44", 1:125,000 scale; \$5.00

The State Base Map is the best all-purpose planning and reference map we have. At a scale of 1:125,000 it has well delineated town, county, state forest and park boundaries, scores of named water bodies, rivers and streams in blue, urban areas in yellow, state forests and parks in green, and major road networks in red. The topographic lines are brown with an inter-



val of 50 feet. This colorful 44" by 55" map remains a useful tool for salesmen's territories, general reference, and overall geography of the state. One of the most popular maps we have available. \$5.00

Creatures at My Doorstep is the result of years of the author's observation of the wildlife in his backyard in Wethersfield. Page after page yields stories about opossums, deer, mice, rabbits, turtles, muskrats, and more; and they become the subjects of this book of suburban nature. Something different and surprisingly homey. 52 pages, spiral bound, black and white, \$8.00



That's our list. I should add that honestly, I never have liked roller coasters much at all. They seem to hold a certain terror for me. Nevertheless, I sure look forward to the season in front of us, the smiles yet to be smiled, and the hope that comes for the new year. I hope this helps you with the same.

To order, please include state sales tax of eight percent and \$2.00 for handling per order, (not per item). Our address is: DEP-NRC, Map Sales, Room 555, 165 Capitol Avenue, Hartford, CT 06106.



Those All-Pervasive Regulations

Understanding the mysterious regulatory process

by

William Delaney

Director, DEP Division of Education
Technical Publications

QUESTIONS FREQUENTLY ARISE concerning regulations. What are they? Why are they needed? Who is responsible for developing them? How are they processed? What relationship do they have to the statutes? There are, in fact, many occasions when concerned citizens seriously confuse the roles of the legislature and the administrative agency.

Regulations are authorized by the Connecticut General Statutes. When new legislation is passed by the General Assembly that requires enforcement or administrative activity by a state agency, the law may include a provision for the adoption of regulations to more precisely define, expand on, or simplify, provisions of the law. The regulations may also provide details, such as dates, times, quantities, sizes or other numerical values, which cannot, practically, be included in the law.

Responsibility for the adoption of the regulations generally rests with the commissioner or other head of the administrative agency. In practice, the form and language of the regulations are usually developed by those most directly involved in the administration of the specific program affected. The system is designed to allow the agency with the greatest expertise in the area to add the detail to the statutory provisions. An agency, however, cannot adopt regulations without legislative authorization.

SECTIONS 4-166 THROUGH 4-197 of the Connecticut General Statutes are designated as the "Uniform Administrative Procedure Act." Sections 4-168 through 4-174 describe the procedures for the proposal, adoption, approval, and publication of authorized regulations. These regulations start with the formal notice of intent to adopt and continue through publication of approved regulations by the Commission on Official Legal Publications.

The process of adopting regulations starts with the publication of a notice of intent to adopt or amend regulations, to be published in the *Connecticut Law Journal* (a weekly publication of the commission on official legal publications) at least 30 days prior to such action. In addition to the provisions of the regulations or a suitable description of its potential effects and a statement of purpose, the notice must provide a description of the procedures for commenting on the proposal, orally or in writing; and the location at which a copy of the proposal may be viewed or obtained. The notice must also include the statutory authorization under which the regulations are being adopted. At the request of 15 or more individuals, a government agency or subdivision or an organization with 15 or more members, received within 14 days of publication of the notice, a hearing is required.

In practice, the DEP generally provides for a formal public hearing without receiving such a request. A fiscal

note, covering the estimated cost or revenue impact of the proposed changes on the state or any municipality, must also be prepared at this point, and be available in conjunction with the proposal. Notice of proposed regulatory changes must also be sent directly to all those who have requested that their names be placed on a list to receive such notice. The statutes do allow for a reasonable fee for providing such service. DEP Rules of Practice currently call for a \$20 fee, but this may be changed in the near future.

After the hearing, assuming there is one, and public comment period, the agency must prepare a report setting forth the principal reasons for its intended action, the principal considerations raised in opposition to the proposed regulations and the agency's reasons for rejecting any such considerations. Notice must be provided to all those who commented on the proposal and to all who have requested notice that the decision has been made to proceed with the regulations and that the final version along with the agency reports are available for inspection and/or copying. Such notice must be sent at least 20 days prior to submission to the Legislative Regulation Review Committee for approval (as noted hereafter). Once the final version of the regulations has been signed by the head of the agency, it enters the final approval stage.

Sections 4-169 and 4-170 of the statutes require approval of regulations by the attorney general and the Legislative Regulation Review Committee, respectively. The attorney general or his/her designee must approve the regulations as to their legal sufficiency and must provide such approval within 30 days of receipt of the proposal. With the attorney general's approval, the new regulations must be submitted to the standing Legislative Regulation Review Committee, made up of eight members of the House of Representative and six members of the Senate, appointed by the speaker of the House and the president *pro tempore* of the Senate, respectively. The cut off date for submission to the committee is the first Tuesday of each month. Any proposed regulations received after that date are considered to be submitted on the first Tuesday of the following month. The Regulation Review Committee has 65 days from the date of submission to act on the proposals. The committee may approve, disapprove or reject without prejudice, in whole or in part, any such proposals.

Disapproved regulations may be reconsidered by the General Assembly, but this is very unlikely.

Regulations rejected without prejudice may be revised in the objectionable areas and must be resubmitted.

When new legislation requires the adoption of regulations by an administrative agency, that agency has five months from the effective date of the law to draft the regulations and publish the required notice in the *Connecticut Law Journal*, unless another date is specified in the legislation. Assuming that a public hearing is held, adding the 30 day notice requirement and a reasonable period for evaluation of testimony, revision of the regulations and the development of a response summary, this could bring the total time for preparation of the regulations for final approval by the attorney general and Reg Review Committee to nine months or more. Since the approval process will generally require a minimum of three months, the regulations are likely to be ready for filing approximately one year after the effective date of the legislation mandating them.

Working with this system, concerned citizens should also be aware that nothing in the regulations can be inconsistent with the requirements of the statute on which they are based. Frequently, the major subject of comment at a regulatory hearing is a deadline or other limit specified in the statutes. Such comments are best directed to the individual's own state representative or senator, or to the sponsor of the original legislation.

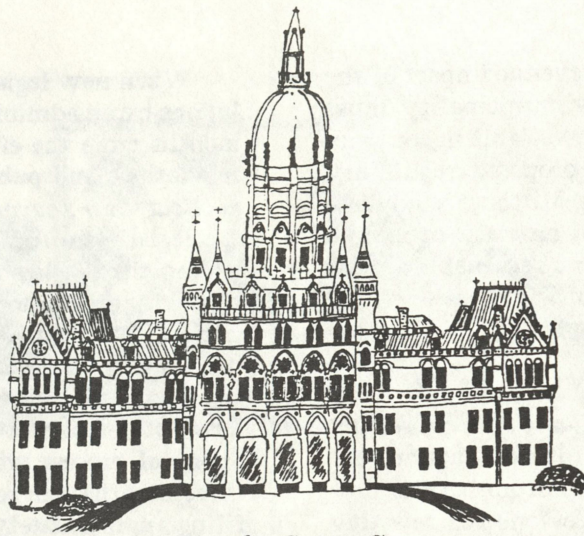
Testimony at regulatory hearings should be concise and specific. It should address only what will be added by the proposed regulation. If there is objection to a particular provision, that provision should be identified and, if possible, alternative language should be suggested. Those testifying in support of proposed regulations should avoid exact duplication of testimony provided by others. Identify yourself, indicate the reason for your interest, and if you agree with an earlier speaker, say so and let it go at that. While the preceding is not an exact legal description of the regulatory process, it may help answer some questions. Careful reading of the appropriate sections of the Connecticut General Statutes is urged for anyone becoming actively involved in this process.

A compilation of the Regulations of Connecticut State Agencies (11 volumes, loose leaf) may be purchased from the Commission on Official Legal Publications, 111 Phoenix Avenue, Enfield 06082. Telephone 741-3017. A recently quoted price was \$332.75 for the set. A subscription to the supplement (or revisions) is \$38.00 per year.

If the publication of a particular regulation is too expensive or unduly cumbersome, it may be omitted from the compilation and obtained directly from the sponsoring agency. Some regulations, adopted by reference, and available from other government agencies, may also be excluded from the compilation.

It is now possible to purchase individual titles from the regulations. Title 22, for example, deals with Agriculture and Domestic Animals, Title 22a includes a substantial number of regulations dealing with environmental quality. Regulations relating to fish and wildlife, however, are covered in Title 26. The prices of various titles vary and anyone interested should check with the commission in Enfield to get current prices. ■

APPROVED REGULATIONS MUST BE FILED at the Office of the Secretary of the State within 14 days after they are received from the Regulation Review Committee. Those regulations become effective upon filing with the Secretary unless a later date is designated by the agency.



Drawing by Susan Carsten

Summary of 1990 Environmental Legislation

by
Michael Sullivan
Executive Assistant
and
Elaine Korenkiewicz
Legislative Coordinator

(This is the second in a series of three installments summarizing environmental legislation passed in the 1990 session of the Connecticut state Legislature.)

IV. RECYCLING

1) PA 90-220 An Act Providing for the Separation, Collection, Processing, and Marketing of Recyclable Items and Monitoring Progress in Recycling

The bill repeals the ban on the disposal of recyclable items at resource recovery facilities and landfills. The bill creates an elaborate system of notifications and penalties between localities, haulers, and resource recovery facilities.

State-Wide Goal: Recycling of 25 percent of the state's solid waste.

Source Separation. Beginning January 1, 1991, each household must separate items designated by DEP as recyclable. These items include cardboard, newspaper, office paper, glass, metal cans, leaves, scrap metal, batteries, and waste oil.

Local Ordinances. By January 1, 1991, each town must adopt an ordinance or enforceable act to enforce the requirements of this act.

Town Agents. By January 1, 1991, each town must give DEP the name of a contact person regarding recycling issues.

Reports. Beginning July 1, 1991, each town must submit an annual report to DEP regarding its recycling program. The act also requires resource recovery facilities and solid waste facilities to report to the DEP the amount of solid waste originating from each town. A copy of this report shall be sent to the town for its annual report. The bill adds out-of-state recycling facilities to those required to submit this information.

Notification. Each town must notify all trash collectors registered in the area of the requirements for collecting, processing, and marketing recyclable items. Each hauler must report to the town any person who improperly throws out recyclable items. Depending on the town's requirements, the hauler may have to give warning notices to anyone suspected of a violation. Beginning January 1, 1991, the owner/operator of a solid waste or resource recovery facility must notify the hauler and the locality of any load, based on visual inspection, which appears to contain a

"significant" quantity of recyclable items. The term "significant" is not defined. The facility must conduct periodic surprise inspections of loads.

Flow Control. This act allows a local legislative body to designate where plastic food and beverage containers and recyclable items (except scrap metal and office paper) from residential properties may be taken for processing and sale. Residential properties involve one or more dwelling units, except for hospitals, motels, or hotels. The act prohibits the processing or sale of these elsewhere, if a town has designated a disposal area. In designating a disposal area, a town must consider private recycling efforts and the state's policy of using private industry in solid waste processing as much as possible. Each town must give trash haulers at least 60 days notice of its intent to designate where these items must be taken.

Enforcement. Another act (PA 90-249) establishes penalties for violations of these provisions. In addition, after January 1, 1991, DEP may issue an order to require that towns enact a local ordinance and provide for source separation. DEP may issue a notice of recycling program deficiency to the town. Within 30 days of issuing such notice, DEP must meet with the town's chief executive officer to discuss the deficiency and remedial steps.

If DEP finds the local program is still deficient after considering several factors, DEP may issue another notice giving the town an additional 90 days to correct the problem. If no action occurs, DEP may hold a hearing and issue an order to remedy the problem.

DEP Report. By February 1, 1991, DEP must report to the Environment Committee regarding the future of recycling grant program.

Effective Date. July 1, 1990.

2) PA 90-249 AA Providing Penalties for Municipalities, Waste Collectors, and the Owners and Operators of Resources Recovery Facilities

Penalties. Any hauler who knowingly mixes recyclable items with other solid waste is subject to a \$1,000 civil penalty, with a \$5,000 fine for subsequent violations. Municipalities may impose penalties of up to \$500 for each violation of the source separation requirements by a commercial establishment. If owner/operators of resource recovery facilities or landfills do not notify municipalities that "significant" quantities of recyclables have been delivered, the facilities will be subject to a warning for a first offense and a civil penalty of \$500 for each subsequent offense. If a facility does not inspect loads at DEP's request, the owner/operators may be subject to a civil penalty of \$1,000 for the first violation, and \$5,000 for subsequent violations.

Effective Date. October 1, 1990.

3) PA 90-224 AAC Recommendations of the Newsprint Recycling Task Force

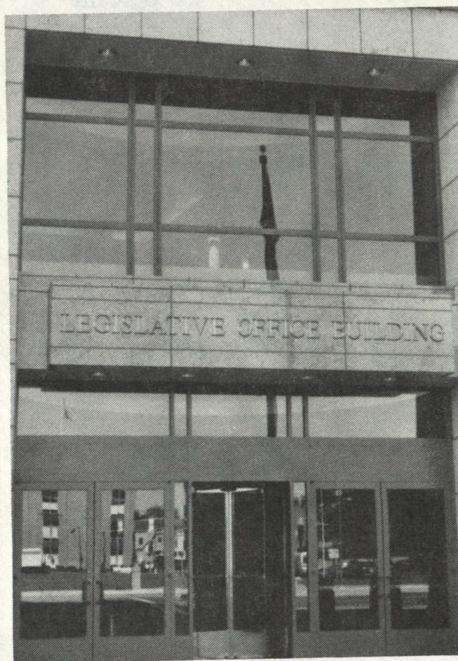
This act establishes a program that requires publishers and printers as a group to meet certain requirements. If the group does not meet these requirements, each individual paper must meet the quotas.

Percentages. The act requires publishers and printers to increase the amount of recycled fiber contained in newsprint. The bill establishes the following schedule:

1992	11 percent
1993	16 percent
1994	20 percent
1995	23 percent

1996	31 percent
1997	40 percent
1998	45 percent
1999	50 percent

Exemptions. DEP must exempt a publisher or printer from these requirements if it determines that they were unable to: a) obtain enough recycled newsprint at a price comparable to virgin newsprint; b) obtain it within a reasonable time; or c) run it on the press without breaking. To be considered for an exemption, publishers or printers must certify to DEP the reasons why the schedule was not met. The certification must include proof that they contacted each producer offering to sell recycled content



newsprint within 18 months of the certification.

Annual Reports. Beginning March 1, 1993, the act requires annual reports regarding the percentage of recycled fiber used in their newsprint during the preceding year.

Penalties. Individual publishers or printers may be subject to a fine of \$5 for each ton of recycled fiber which it is short. The minimum fine is \$2,500 and the maximum fine is \$10,000.

DEP Report. By January 1, 1994, DEP must report to the Environment Committee on the availability and quality of old newspaper for recycling, and the effect of out-of-state newspapers distributed in Connecticut.

Regulations. DEP may adopt regulations to implement the provisions of this act.

Cooperative Purchasing. In conjunction with DEP, the Department of Administrative Services must notify each town of cooperative purchasing plans for recycled paper.

Effective Date. October 1, 1990.

4) PA 90-309 AAC Municipal Regulation of Packaging

The act prohibits localities from banning the sale or use of polystyrene packaging materials in certain circumstances. The act exempts those municipalities which enacted a law, ordinance, or charter provision prior to March 15, 1990, or which held a required hearing on such a ban prior to October 1, 1989. This prohibition will not apply if the seller or user can demonstrate that: a) it is actively engaged in recycling the material; or b) the material is used to store or transport raw meat, fish, or poultry.

Effective Date. October 1, 1990.

5) PA 90-235 AAC Recycling Fees

This act delays by one year the date on which resource recovery facilities and landfills must begin paying \$1 per ton for each ton of solid waste processed or disposed of at that site. The act postpones the date from July 1, 1990 to July 1, 1991. Funds will be deposited into the Municipal Solid Waste Recycling Trust Fund.

Effective Date. On passage.

6) PA 90-312 AAC Enforcement of Connecticut's Solid Waste Laws

Orders. The act allows DEP to issue an order to any person who violates the solid waste statutes or regulations or to the landowner where the violation occurred, regardless of whether the owner participated. Anyone who violates such an order will be liable for the state's costs in detecting, investigating, and controlling the violation, as well as the cost of restoring the natural resource.

Penalties. For a first offense, violators are subject to fines of up to \$25,000 per day, imprisonment of up to one year, or both. Subsequent violations may be penalized up to \$50,000

per day, two years' imprisonment, or both.

Recycling Trust Fund. The act increases the amount of money in the Municipal Solid Waste Recycling Trust Fund that can be used for staff and expenses by the Recycling Advisory Council. This amount is increased from \$168,000 to \$183,000.

Household Hazardous Waste. The act authorizes DEP to carry over FY90 funding for local household hazardous waste collections into the next fiscal year.

Tipping Fee Subsidy. The act alters the tipping fee subsidy program, so that DEP "may" make grants "within available appropriations" for this purpose. DEP shall make grants to any locality which has applied before July 1, 1990 and is eligible for such grant during that fiscal year. The act also specifies that the \$1 per ton fee assessed on resource recovery facilities beginning on the date of commencement of commercial operation shall be calculated for the calendar quarters beginning on or after October 1, 1987.

Recycling Residue. The act provides that each municipality shall make provision for its share of the solid waste remaining after any recycling facility has processed its solid waste in direct proportion to the solid waste received from each town. Localities shall not be responsible for hauling costs. The recycling facility is responsible to pay tipping fees for returned residue at the uniform rate.

Effective Date. This act will take effect on passage, except the tipping fee subsidy provisions are effective July 1, 1990, and the recycling residue, household hazardous waste, orders and penalty provisions are effective October 1, 1990.

7) PA 90-179 AA Making Revisions to the Solid Waste Management Statutes and Concerning the Salary of the Director of the CRRA

The bill allows regional organizations representing towns to receive grants from the Municipal Solid Waste Recycling Trust Fund, as well as grants-in-aid from the state bonds for the development of regional solid

waste recycling.

Effective Date. On passage.

8) PA 90-281 AAC Telephone Directory Recycling

This act requires publishers as a group to increase the amount of recycled fiber contained in telephone directories. Under this act, publishers must file a plan with DEP by January 1991 providing that at least 10 percent of directories shall be retrieved and recycled. The act establishes the following schedule:

1995	10 percent
1996	15 percent
1997	20 percent
1998	25 percent
1999	30 percent
2000	35 percent

After the year 2000, 40 percent must be recycled fiber. If these percentages are not achieved by publishers as a group, each publisher must meet the goals individually.

Penalties. Individual publishers who fail to meet the schedules must pay a \$5 per ton assessment for each ton of recycled fiber which they are short. The assessment cannot be less than \$2,500 or more than \$100,000.

Annual Reports. Beginning March 1996, each directory publisher must submit an annual report to DEP outlining the percentage of recycled fiber used.

Exemptions. DEP may exempt a publisher from these requirements if DEP determines that: a) recycled stock was not available at a price comparable to virgin stock; b) at a reasonable time; or c) useable on a printing press without breaking.

Effective Date. October 1, 1990.

V. SOLID WASTE

1) PA 90-215 AAC Reduction of Toxics in Packaging

This act requires the reduction of lead, mercury, cadmium and hexavalent chromium in packaging or packaging materials used or sold within the state. These reductions are designed to improve the quality of landfill leachate and enhance the recyclability of packaging and the quality of ash residue generated by incineration.

Containment Levels. Under this act, packages or products in packages containing lead, cadmium, mercury, and hexavalent chromium cannot be offered for sale or promotional purposes beginning October 1, 1992.

Exemptions. The following packages are exempt:

a) packages manufactured before the effective date of this act;

b) for six years after the effective date of this act, those packages which would not exceed the maximum contamination level except for the use of recycled materials;

c) alcoholic liquors bottled prior to July 1, 1992; and

d) packages in which these substances have been added to comply with federal health or safety requirements, or where there is no feasible alternative. This exemption must be approved by DEP and will be effective for up to two years, with a possible two year renewal.

Certificates of Compliance. The act also requires manufacturers and distributors to provide certificates of compliance, indicating that each package either complies with these requirements or qualifies for an exemption.

Penalties. Violations of this act, including false statements on certificates, may be subject to a penalty up to \$10,000. Knowing violations may be fined up to \$50,000 for each false statement, up to one year's imprisonment, or both.

Report. DEP shall report on the act's effectiveness, in consultation with the Source Reduction Council.

Effective Date. October 1, 1990.

2) PA 90-163 AAC Penalties for Illegal Dumping of Asbestos

The act prohibits disposal of more than one cubic foot of substances containing asbestos or asbestos-containing material, except at solid waste facilities authorized by DEP. Asbestos is defined as the asbestiform varieties of actinolite, amosite, anthophyllite, chrysotile, crocidolite, and tremolite. An asbestos-containing material has more than one percent by weight of

any type of asbestos. Violators may be subject to fines of up to \$25,000 per day, up to one year's imprisonment, or both for a first offense. Subsequent offenses may be fined up to \$50,000 per day, up to two years imprisonment, or both.

Effective Date. October 1, 1990.

3) PA 90-181 AAC Underground Storage Tank Petroleum Clean-up Fund

This act revises the Clean-up Fund established last year (PA 89-373) to meet the federal financial assurance requirements. The act expands the coverage of the Clean-Up Fund to include any costs paid or incurred after July 5, 1989 (the effective date of last year's act). Any person or entity which would have been required to demonstrate financial responsibility under the federal regulations published on October 26, 1988 is eligible for reimbursement. Under current law, a responsible party can only get reimbursement if, on the date of the release, it was required to demonstrate financial responsibility. EPA recently extended the deadline by one year for tank owners with under 100 tanks. The Review Board now will have the right of subrogation against tank owners who are not in compliance with the general statutes and regulations governing the installation, operation, and maintenance of underground storage tanks. Under current law, a responsible party must be under an order from DEP in order for the state to bring an action to recover costs. Finally, funds from the Underground Storage Tank Clean-up Fund may be transferred to the Department of Human Resources to fund a low-income energy assistance program.

Effective Date. October 1, 1990.

4) PA 90-264 AAC Woodburning Facilities

Types of Wood. The act restricts woodburning facilities to burning recycled wood; wood from silvicultural, landscaping, land conversion, or land clearing activities; sawmill, tree service or pulpwood production operations, including raw wood chips, chipped clean pallets, clean saw dust or mill scraps; clean untreated construction

lumber scraps; or chipped land clearing debris.

Demolition Wood Study. Within available appropriations, UConn shall study the composition and characteristics of demolition wood. The study also will analyze the environmental impact of burning demolition wood, including the toxicity of ash residue and the impact on air emissions. The report shall be submitted by March 1, 1991.

Ash Disposal Regulations. By June 30, 1991, DEP shall adopt regulations governing the disposal of ash from woodburning facilities.

Forestry Practices. By January 1, 1991, DEP shall submit a plan regard-



ing the regulation of forestry practices within the state to the General Assembly. This plan shall consider licensing of commercial harvesters and professional foresters, the need for operational standards, and the review and certification of plans for forestland management.

Air Monitoring. Any woodburning facility holding a permit shall conduct ambient air quality sampling prior to commencement of construction and continuous air emissions monitoring while in operation.

Consideration of Alternatives. No permit shall be issued unless DEP considers alternatives to the use of groundwater and surface water for

cooling tower use, including requiring the use of dry cooling or processed water from sewage treatment plants.

Restrictions. No facility using wet cooling may be located in any place other than a GC area unless DEP determines such use of water is its highest and best use. In addition, no discharge of wastewater to groundwater is permitted, an environmental impact report is required prior to the DEP decision, and the facility must derive at least 80 percent of its cooling water from surface water either directly or indirectly. Finally, DEP also must determine that wet cooling will not affect the availability of potable water.

Effective Date. On passage.

5) PA 90-248 AAC Lead Acid and Nickel Cadmium Batteries

The bill establishes a \$5 deposit on lead acid and motor vehicle batteries, prohibits their disposal as trash, requires disposal at certain establishments, and establishes penalties for improper disposal.

Effective Date. October 1, 1990.

6) PA 90-216 AAC Penalties for the Disposal of Solid Waste at Municipal Landfills

This bill allows any municipality to enact an ordinance regarding civil penalties for anyone who illegally disposes of solid waste at a municipal landfill. The ordinance may provide for a fine of up to \$1,000 for a first offense, up to \$2,000 for a second offense, and up to \$3,000 for subsequent offenses.

Effective Date. October 1, 1990.

7) PA 90-294 AAC Posting of Agricultural Land for Pesticide Use

This act requires anyone applying restricted use pesticides outdoors on farmland to post signs notifying the public.

Effective Date. January 1, 1992.

(This is the second installment in this series. The third and final installment will appear in the December issue of Connecticut Environment.) ■

New Exhibit at AIAI

The American Indian Archaeological Institute (AIAI) has opened a new major exhibit, *As We Tell Our Stories: Living Traditions and the Algonkian Peoples of Indian New England*. This innovative exhibit explores native history and culture through the voices and experiences of the region's indigenous peoples. Instead of a chronology of events, the past and present are intermingled to portray their enduring traditions and continued presence.

Susan Payne, the Institute's director, said "*As We Tell Our Stories* marks the Institute's 15th year. It demonstrates our commitment to be a vital multicultural center, one where we can all gain new understandings from Native America."

The exhibit's focus is the Algonkian peoples living in what is now called New England. They include the Wampanoag, Pequot, Paugussett, and many neighboring groups with distinct cultures and languages, all of whom are connected by economic, familial, and political ties.

As We Tell Our Stories is organized around seven elements central to native culture—Land, Exchange, Corn, Deer, Manitou and Living Traditions, Clay, and Living Spaces. The exhibit's design emphasizes the connection between these aspects of life. In each area, artifacts, contemporary art, photographs, and spoken and written words are woven into settings that draw on these seven elements.

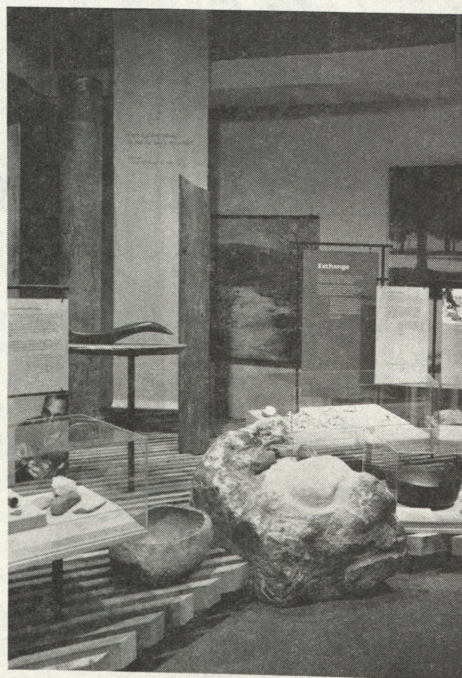
"The exhibit is more than a factual narration. We want to portray the richness and complexity of native life today," said Lynne Williamson, AIAI curator and the project's coordinator. "This exhibit encourages people to imagine and think about the lives of Algonkian peoples and to appreciate their world."

As We Tell Our Stories examines how the spiritual world and daily life

are interconnected in every aspect of Native American culture. The exhibit's section on corn includes historic and prehistoric stone, shell, wooden, and bone tools for its cultivation, processing and cooking. Because these tools are also creations that spring from the imagination, the exhibit interweaves contemporary works of art inspired by that creativity and by the spiritual meaning of corn.

The exhibit is filled with the material culture — objects created and used in daily life — represented in the Institute's collections. It contains documents, including 18th century petitions to Connecticut's General Assembly from Schaghticoke people in their efforts to retain their land, the diary of an early 20th century Mohegan woman, and remarkable photographs from the late 19th and 20th centuries. Matching these are objects, words and photographs of the native people who live here now — from schoolchildren to storytellers to the elders and leaders of native communities.

As visitors move through the exhibit, they can listen to recordings that feature the words and voices of Al-



"*As We Tell Our Stories*" is the new exhibit at the American Indian Archaeological Institute. (Photo: Sara Bule)

gonkian peoples against a backdrop of rain, animals, music and other sounds of life. Oral histories of several of Connecticut's elders will be integrated into the audio component in 1991.

As We Tell Our Stories will be the cornerstone for the Institute's future programs and events, and is designed to be dynamic, absorbing new information and elements. The exhibit is the result of a two-year effort on the part of Institute staff, its Native American Advisory Committee, and consultants — native and non-native archaeologists, historians, artists, curators, and educators. It incorporates many perspectives, and draws on in-depth consultations with Algonkian scholars and elders, the Institute's archaeological research and extensive archival investigations.

The American Indian Archaeological Institute is located in Washington, Connecticut, on Curtis Road off Route 199, and is open Monday through Saturday from 10:00 a.m. to 5:00 p.m. and Sunday from 12:00 to 5:00 p.m. year-round. Admission is by membership or donation: \$3/adults, \$2/children six to 16. For further information, please phone (203) 868-0518. ■

Emissions Late Fee

Beginning October 1, motorists who are more than 30 days overdue for their emissions test are now required to pay a \$10 late fee. It's the new law.

"We all need to do our share when it comes to cleaning up Connecticut's air," said Motor Vehicles Commissioner Lawrence F. DelPonte. "We're all involved in the battle for clean air and this is a situation where we can all win if we cooperate with each other and our state's emissions testing program."

"Although participation in Connecticut's emissions program is excellent, nearly one third of the state's motorists are at least one month late for their annual emissions test," said the

commissioner. In 1989, more than 500,000 vehicles were more than 30 days late for an emissions test.

"It's important that vehicles get to the station on time if the Connecticut Vehicle Inspection Program is to be its most effective," said DelPonte. "And to make it even easier for motorists to come in for a timely inspection, vehicles can come in for an emissions test up to 90 days before the expiration date noted on the sticker.

To increase customer convenience, this past March the state's 19th emissions facility opened in Beacon Falls. The two-lane station, located 20 miles south of Waterbury, serves motorists living or working in the Naugatuck Valley area. The opening of this newest station has increased the number of testing lanes across the state to 46.

The late fee policy (Public Act 90-299) was approved by the General Assembly during the past session. It was signed into law this past June. Late fees will be deposited in the state's General Fund.

"We see this as a clear example of public and private sector cooperation at its most productive," said the commissioner, "and we believe that this new law is one more step in the right direction toward a cleaner, healthier environment for Connecticut's residents."

According to the DEP, approximately 200,000 tons of auto emissions pollutants — carbon monoxide and hydrocarbons — are prevented from entering Connecticut's air each year as a result of the state's emissions program. As a result, the DEP has determined that since the program began, carbon monoxide emissions have been reduced by 59 percent and hydrocarbons by 46 percent.

"Cleaning up our air requires a team effort on the part of Connecticut's motorists," said Commissioner DelPonte. "Although we have made great progress in fighting air pollution, the new law will bring us even better results from our efforts." ■

Seedlings Available

"The DEP is again offering its popular tree and shrub seedlings for the 1991 spring planting season. Connecticut landowners may purchase the seedlings for Christmas tree plantings, reforestation, wildlife, soil stabilization, or other conservation purposes from the DEP's Bureau of Forestry.

Those wishing to purchase seedlings should place their orders as soon as possible because some species sell out very quickly. All seedlings will be shipped in late March or early April to one of the nine pick up points located throughout the state. The landowner will be notified by postcard when and where the order may be picked up.

Two seedling programs are available:

The "Homesteader Seedling Program" has a selection of five different packages to choose from: 1) the Woodland Packet (25 Norway spruce, 25 white pine); 2) Windbreak Packet (50 hemlock); 3) Christmas Tree Packet (50 white spruce); 4) Hardwood Packet (15 black walnut); and 5) the Wildlife Packet (15 Japanese crab-

apple, 15 silky dogwood, 15 autumn olive, 5 hybrid chestnut). The packets are available at a price of \$12.00 per packet to any Connecticut landowner.

The second program, "Forest Planting Stock," is available to Connecticut landowners with larger planting areas who intend to establish a forest plantation, develop a commercial Christmas tree planting, augment existing forest stands, stabilize eroded areas or for other conservation needs. "Forest Planting Stock" orders for conifer species must be in multiples of 250. The price is \$25.00 per 250 seedlings, \$50.00 per 500, or \$100.00 per thousand. "Forest Planting Stock" orders require approval of a service forester, who may come to inspect the planting area.

Two restrictions are placed on all orders: They cannot be resold with roots attached nor can they be used for ornamental planting.

Those who purchase seedlings should know that the seedlings are quite small when received (from six to 12 inches tall). They grow slowly for the first year or two and then more rapid growth and development can be expected.

To receive an order form you may contact any of the following DEP offices: State Forester's Office, 165 Capi-

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Museum Events

The following programs are sponsored by the Connecticut State Museum of Natural History on the Storrs campus of The University of Connecticut. For further information, please phone (203) 486-4460.

Children's Programs

November 17, Saturday: "Whales and other Cetaceans" at the Mystic Marinelife Aquarium, Mystic, CT. Leader: Becky Lehmann and Mys-

tic Aquarium staff. For ages nine and up. 8 a.m. to 5 p.m. Meet at Parking lot #9. Participants should bring a bag lunch with a drink. Transportation will be provided by the museum. Museum members \$10, nonmembers \$15. Preregistration required.

November 17, Saturday: "Papermakers." Leader: Sandy Tosi. For ages 10-12. Torrey Life Sciences Bldg., Rm. #13. \$8 members, \$14 nonmembers. Session I, 10 a.m.-noon.

November 24, Saturday: "Walnut Boats and Peanut Butter." Leader: Winnie Burkett. Wilbur Cross Bldg. \$8 members, \$14 nonmembers. Session I for ages six and seven, 9-10:30 a.m. Session II for ages eight and nine, 11 a.m.-12:30 p.m. ■

TV Reminder

This month, the video series *Environment*, hosted by Robert Paier and pro-

duced by Sandra Sprague, may be seen on the following public access cable systems: United Artists/Hartford — Mondays at 8:30 p.m.; United Artists/Plainville — Mondays at 8:30 p.m.; Storer Cable of New Haven — Tuesdays at 8:30 p.m.; Dimension Cable — Tuesdays at 5:30 p.m. and Wednesdays at 7:30 p.m.; and Simsbury Community Television — Wednesdays at 9:00 p.m. ■

New Publication

A new publication, *Town of Plymouth Open Spaces*, has just been released. It is available for \$2.50 (including postage) from the Plymouth Conservation Commission, 19 East Main St., Terryville, CT 06786. Checks should be made payable to "Town of Plymouth." ■

Trailside Botanizer

The Common Burdock

by
Gale W. Carter
Illustration by
Pam Carter

THE COMMON BURDOCK (*Arctium minus*), a member of the composite family, is a plant that can be studied at any time of year because its identifying burs persist into the winter.

It takes this species two years to develop fully. During the first year it forms large heart-shaped leaves with long thick leaf stalks. These are arranged in the form of a large rosette. The second year it develops many branches and numerous short-stalked, ovate leaves that are alternate and without teeth. It grows to a height of from two to four feet.

The leaves of the first year's growth which are poisonous resemble
© copyright 1990, Gale W. Carter.

those of rhubarb, however, the white undersurface of its leaves distinguish it from rhubarb.

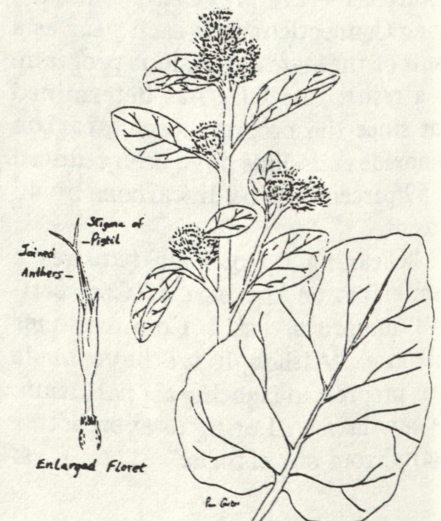
The flowers of common burdock appear in heads that are 3/4 of an inch in diameter and are surrounded by numerous green bracts with tips that are hooked. These flowers develop in clusters at the end of the branches and vary from pink to lavender. The small florets that make up each head are all tubular, each floret having both male and female parts. Flowering time is from July to October. As the flower fades, the bracts become the round bristly burs. The fruit is an achene that appears from September through the winter.

Common burdock is found in farmyards, along roadsides, and in waste places. The genus name *Arctium* is believed to be from the Greek *Arctos*, meaning "bear," perhaps a reference to the bristly bracts. The species name means "smaller," in comparison with other similar species.

All parts of the plant are consid-

ered edible when properly prepared and it has many medical uses historically. It has been used as an aid in childbirth, as well as for rheumatism, chest ailments, and stubborn rashes.

Indian medicine men thought that the burs on the plant were a sign that the plant had medical use in helping with memory, that it would help things "stick to the mind."



The Night Sky

A good glimpse of Mars

by
Francine Jackson

ONE OF THE MAJOR PROBLEMS in astronomy is the (sometimes) seemingly interminable waits between some of the more beautiful celestial phenomena. For instance, if you want to see a solar eclipse, where you not only have to wait for one, but you have to go where it is. If you're really lucky, you might see one fireball, or supermeteor, in your lifetime. And there are beautiful but infrequent ap-

paritions of Mars, one of which will peak this month.

Some of you insomniacs like myself who take walks around midnight may have already seen Mars the past few weeks in the east. It is the very bright reddish object in the constellation Taurus, the bull, above and to the right of the "V" marking his head. During this month, Mars will be at its closest point to us in over two years. Some of you may have observed Mars back then with telescopes. The views were spectacular. Although Mars won't be as close to us as in 1988, it still will be a beautifully impressive sight. Also, this year it will be higher in the sky than it was then, so you

will be observing Mars through less of our atmosphere, giving us very steady, sharp images of the planet.

As Mars travels around the sun, its orbit brings it close to the Earth about every two years; however, because planetary orbits aren't perfect circles, the distance between the two planets changes at each close approach. That is why I advise everyone who wants a very good glimpse of Mars to try to find an open telescope between now and the next several weeks, for although Mars will approach the Earth several times in the next few years, to see Mars as beautifully as it is now you will have to wait awhile — until the 21st century. ■

Letters to the Editor

I would like to see more about legislative issues and ways we as a conservation commission can purchase open space, recycle, attack the litter problem, etc. In short, I think *Connecticut Environment* has become a "wimp" publication, geared more toward nature than action. The time to save the natural resources we have left is now and you need to help in every way.

Harriet Wilber
Shelton

I was disappointed in one of your photos in the September 1990 issue. On page 17, you picture "the eternal soldier at the Putnam Encampment." The gentleman in the picture is not wearing safety glasses, he seems to have no control of the firearm, and because of the angle of the picture, the firing line remains in question. I realize that with an encampment, you don't have a marked firing line, but you should appear safe. The second shooter, partially obscured by the trees, also does not have good control of his muzzle as he loads his firearm.

My comments are not meant to be picky, but as past president of the Connecticut State Rifle and Revolver As-

sociation, competition shooter for the past 20 years, hunter, firearms safety instructor, and business person in a commercial shooting range, I realize the importance of safety and positive public relations in our community and would appreciate your efforts in editing with keeping safety a little more in mind.

Deborah W. Lyman
Meriden

Connecticut Environment has certainly captivated our interest. All the articles are of utmost interest and very informative.

Mrs. Walter Lesniaski
Wethersfield

My concern is about the danger to birds from people throwing away monofilament fishing lines. I have seen dead land birds which were killed as a result of being entangled in fishing lines, and I have seen pieces of fishing line woven into nests which became death traps for the young birds. The young of ospreys often die because of being

strangled on discarded fishing line that has been used in making the nests.

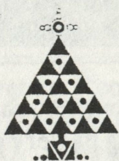
Fishermen should be urged to retrieve snarled and snagged lines, and not throw them where they may contaminate a body of water.

Mary Janvrin
Old Lyme

Endnote

"Human individuals, with the moral ideas belonging to their nature, are the prerequisites of a moral world order."

Rudolph Steiner



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